

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1424

Introduced by Assembly Member Knight
(Principal coauthor: Senator Runner)

February 27, 2009

An act to amend ~~Section 3011~~ *Sections 3011 and 3019* of the Elections Code, and to add Section 14902.5 to the Vehicle Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1424, as amended, Knight. Elections: vote by mail.

Existing law requires that the identification envelope for returning vote by mail ballots contain specified information *and that the elections official verify that the signature on the envelope compares with the signature on the voter's affidavit of registration. Under existing law, the envelope is not opened and the ballot is not counted if the elections official determines the signatures do not compare.*

This bill would additionally require that the identification envelope include ~~a verification panel, concealed during mailing, setting forth the last 4 digits of the voter's California driver's license or identification card number or, if unavailable, the last 4 digits of the voter's social security number~~ *and a security flap to conceal this information and the voter's signature during mailing.* The bill would require the elections official to verify the accuracy of that information before counting the vote *and that the voter be notified that the identification envelope will be opened only if this information is verified by the elections official.*

Because the bill would increase duties of local elections officials, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3011 of the Elections Code is amended
2 to read:
3 3011. (a) The identification envelope shall contain all of the
4 following information:
5 (1) A declaration, under penalty of perjury, stating that the voter
6 resides within the precinct in which he or she is voting and is the
7 person whose name appears on the envelope.
8 (2) The signature of the voter *and the last four digits of the*
9 *voter's California driver's license number or California*
10 *identification card number, or if the voter has neither, the last four*
11 *digits of the voter's social security number.*
12 (3) The residence address of the voter as shown on the affidavit
13 of registration.
14 (4) The date of signing.
15 (5) A notice that the envelope contains an official ballot and is
16 to be opened only by the canvassing board *and informing the voter*
17 *that the envelope will be opened only upon verification of the*
18 *signature and identifying information submitted pursuant to*
19 *paragraph (2).*
20 (6) A warning plainly stamped or printed on it that voting twice
21 constitutes a crime.
22 (7) A warning plainly stamped or printed on it that the voter
23 must sign the ~~verification panel, described in paragraph (12),~~
24 *envelope* in his or her own handwriting in order for the ballot to
25 be counted.
26 (8) A statement that the voter has neither applied, nor intends
27 to apply, for a vote by mail voter's ballot from any other
28 jurisdiction for the same election.

(9) The name of the person authorized by the voter to return the vote by mail ballot pursuant to Section 3017.

(10) The relationship to the voter of the person authorized to return the vote by mail ballot.

(11) The signature of the person authorized to return the vote by mail ballot.

~~(12) A verification panel, concealed during mailing, requiring the last four digits of the voter's California driver's license number or California identification card number or, if neither is available, the last four digits of the voter's social security number.~~

(12) A security flap or sleeve to conceal during mailing the voter's signature and identifying information required by paragraph (2).

(b) Except at a primary election for partisan office, and notwithstanding any other provision of law, the vote by mail voter's party affiliation may not be stamped or printed on the identification envelope.

~~(c) (1) An elections official shall verify that the information provided pursuant to paragraph (12) of subdivision (a) is from the California driver's license or California identification card or social security number issued to the voter submitting the vote by mail ballot before the vote may be counted.~~

~~(2) Paragraph (1) shall not apply to a valid ballot cast pursuant to the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. Sec. 1973ff-1 et seq.).~~

SEC. 2. Section 3019 of the Elections Code is amended to read:

3019. (a) (1) Upon receipt of the vote by mail ballot the elections official shall compare the signature on the envelope with that appearing on the affidavit of registration and, if they compare, deposit the ballot, still in the identification envelope, in a ballot container in his or her office. A variation of the signature caused by the substitution of initials for the first or middle name, or both, shall not invalidate the ballot. If the ballot is rejected because the signatures do not compare, the envelope shall not be opened and the ballot shall not be counted. The cause of the rejection shall be written on the face of the identification envelope.

If envelope. If the elections official has compared the signature of the voter's application with the affidavit pursuant to Section 3009, the application may be used rather than the affidavit to make the signature check required by this section subdivision.

1 (2) No ballot shall be removed from its identification envelope
2 until the time for processing. No ballot shall be rejected for cause
3 after the envelope has been opened.

4 (3) In determining from the records of registration if the
5 signature and residence address on the identification envelope
6 appear to be the same as that on the affidavit of registration, the
7 elections official or registrar of voters may use the duplicate file
8 of affidavits of registered voters or the facsimiles of voters'
9 signatures, ~~provided that if the method of preparing and displaying~~
10 ~~the facsimiles complies with the law.~~

11 *(b) The elections official shall additionally verify that the*
12 *signature of the voter and the identifying information submitted*
13 *on the identification envelope pursuant to paragraph (2) of*
14 *subdivision (a) of Section 3011 are the same as those on other*
15 *state and federal records for that voter. If they are not the same,*
16 *the elections official shall not open the identification envelope and*
17 *shall not count the ballot and shall write the cause for rejection*
18 *on the face of the identification envelope.*

19 ~~SEC. 2.~~

20 SEC. 3. Section 14902.5 is added to the Vehicle Code, to read:
21 14902.5. Notwithstanding any other provision of law, the fee
22 for an original or replacement identification card shall be waived
23 for a person who requests the identification card for purposes of
24 satisfying the ~~verification panel~~ requirement of Section 3011 of
25 the Elections Code.

26 ~~SEC. 3.~~

27 SEC. 4. If the Commission on State Mandates determines that
28 this act contains costs mandated by the state, reimbursement to
29 local agencies and school districts for those costs shall be made
30 pursuant to Part 7 (commencing with Section 17500) of Division
31 4 of Title 2 of the Government Code.